

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION**

ACCENT CONSULTING GROUP,	)	
INCORPORATED, and BRENDA MARIE	)	
STEPHENS,	)	
Plaintiffs,	)	
	)	CAUSE NO.: 22-1767
v.	)	
	)	
GREAT AMERICAN ASSURANCE	)	
COMPANY,	)	
Defendant.	)	
	)	

**NOTICE OF REMOVAL PURSUANT TO 28 U.S.C. §§ 1332, 1441 AND 1446**

**PLEASE TAKE NOTICE** that Great American Assurance Company (“Great American”), pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, hereby removes Cause No. 49D02-2208-CT-026546, pending in the Circuit Court of the Thirteenth Judicial Circuit, Marion County, Indiana, Civil Division, to this Honorable Court, the United States District Court for the Southern District of Indiana. Pursuant to 28 U.S.C. § 1446(a), Great American attaches copies of the current docket sheet, known process, pleadings, motions and orders filed with the Clerk of the Circuit Court of the Thirteenth Judicial Circuit hereto as Group Exhibit A. The grounds for removal are as follows:

1. Plaintiffs, Accent Consulting Group, Incorporated (“Accent”) and Brenda Marie Stephens (“Stephens”), filed their lawsuit in Marion County, Indiana. Thus, under 28 U.S.C. §§ 1441 and 1446, the United States District Court for the Southern District of Indiana, Indianapolis Division, is the proper venue. The Court has original jurisdiction over this action pursuant to 28 U.S.C. § 1332(a)(1).

2. On August 4, 2022, Accent and Stephens (collectively, “Plaintiffs”) filed a complaint against Great American, alleging breach of contract and bad faith causes of action (the “*Complaint*”). See Group Exhibit A.

3. The *Complaint* relates to Great American’s denial of insurance coverage for a consumer complaint filed with the Office of the Indiana Attorney General, and a disciplinary complaint brought by the State of Indiana, before the Indiana Real Estate Appraisal Board against Stephens (collectively, the “*Disciplinary Proceeding*”).

4. Great American’s agent, United Agent Group, Inc. (“UAG”), was first served with the *Complaint* on August 11, 2022. Great American first received the *Complaint* from UAG on August 15, 2022. A copy of the Service of Process Notice provided by UAG to Great American is attached hereto as Exhibit B. Under either date, this Notice has been timely filed under 28 U.S.C. § 1446(b).

5. Defendant Great American is a corporation organized and existing under the laws of Ohio with its principal place of business located in Cincinnati, Ohio; and thus, a citizen of the state of Ohio.

6. Plaintiff Accent is a for-profit Indiana corporation with its principal place of business in Marion County, Indiana; and thus, a citizen of the state of Indiana.

7. Plaintiff Stephens is a resident of Marion County, Indiana, and a citizen of the state of Indiana.

8. There is complete diversity between the parties.

9. In connection with the *Complaint*, Plaintiffs assert that Great American breached the terms of an insurance contract, in bad faith, when it denied coverage, both defense and indemnity, for the *Disciplinary Proceeding*.

10. As a result of Great American's denial of coverage, the *Complaint* asserts that Plaintiffs were forced to seek counsel and incur debt defending against the *Disciplinary Proceeding*, and that Plaintiffs "lost substantial profits and business opportunities."

11. By way of the *Complaint*, Plaintiffs seek damages for at least the following: (1) the costs incurred in defending the *Disciplinary Proceeding*; (2) lost profits and business opportunities; (3) emotional harm; (4) compensable damages; (5) prejudgment interest; and (6) bad faith.

12. By way of an email dated August 19, 2022, Plaintiffs made a settlement demand on Great American in connection with the *Complaint* in the amount of \$200,000.

13. The amounts Plaintiffs seek from Great American in connection with the *Complaint* exceed \$75,000, exclusive of interest and costs; thereby, granting this court jurisdiction over the case. *See, Small Bus. Lending, LLC v. Pack*, 2019 U.S. Dist. LEXIS 126563, at \*4 (S.D. Ind. July 30, 2019) (citing *Grinnell Mut. Reinsurance Co. v. Haight*, 697 F.3d 582, 585 (7th Cir. 2012) and *Rising – Moore v. Red Roof Inns, Inc.*, 435 F.3d 813, 816 (7th Cir. 2006)) (holding "settlement negotiations 'can be considered to show the stakes when determining whether the amount in controversy is met'").

14. A copy of this notice of removal will be filed promptly with the Clerk of the Marion County Superior Court. That filing will automatically effect the removal of the subject action to this Court, in its entirety, for future proceedings.

15. Defendant, Great American, respectfully requests that this Court enter any orders or take any action necessary to secure removal and prevent further proceedings in Cause No. 49D02-2208-CT-026546, pending in the Circuit Court of the Thirteenth Judicial Circuit, Marion

County, Indiana, Civil Division, and any other relief to which Great American may be entitled to at law and in equity.

Dated: September 7, 2022

Respectfully Submitted,

By: /s/ Michael Kreppein  
One of the Attorneys for Great American  
Assurance Company

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**CERTIFICATE OF SERVICE**

I hereby certify that on September 7, 2022, a true and correct copy of the above and foregoing instrument was served electronically on all counsel of record.

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